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A.—(*a*) No.

(*b*) & (*c*) Yes; on the general principle that pay is fixed with reference to the duties and responsibilities appertaining to a particular post or class of posts and not with reference to the qualifications of individual officers holding the posts.

(*d*) No.

Panchayat Forests

Constitution and working of forest panchayats.

* 1544 *Q.*—Mr. J. A. SALDANHA: Will the hon. the Member for Revenue be pleased to state with reference to G.O. No. 1275, Revenue, dated 28th June 1929—

(*a*) under what statutory authority forest panchayats in the Presidency were constituted and rules were made for their administration;

(*b*) whether Government have in view any legislation to give them legal basis; and

(*c*) whether the Government will be pleased to place the Forest Panchayat Rules on the Council table?

A.—(*a*) The constitution and administration of forest panchayats are governed by the executive orders of the Government.

(*b*) No.

(*c*) The rules regulating forest panchayats are at present scattered over a number of Board's Proceedings and Government Orders. With a view to consolidating these instructions the Board of Revenue has submitted to Government a draft standing order which is intended to embody all the instructions that are to be observed on the subject in future. This draft is being considered by the committee appointed in G.O. Press No. 95, Revenue, dated 20th January 1930, which has been placed at the disposal of the Press. The rules as finally approved by the Government will be published.

Mr. J. A. SALDANHA:—" With reference to the answer given in clause (*a*), may I enquire on what statutory basis the forest panchayats are placed?"

The hon. Mr. A. Y. G. CAMPBELL:—" They are not placed on any statutory basis."

Mr. J. A. SALDANHA:—" Then do they have any statutory force?"

The hon. the PRESIDENT:—" That is asking for opinion."

Criminal Tribes Act

Inspection of registered members of criminal tribes by the Police.

* 1545 *Q.*—Mr. A. RANGANATHA MUDALIYAR: With reference to the answers arising out of supplementary questions on the answer to question No. 1130, dated 21st January 1930, will the hon. the Home Member be pleased to state whether the Government have ascertained if the registered members of criminal tribes living in the villages mentioned in the answers are required to go and report themselves to the officer in charge of police stations in the neighbouring villages on a night every week and, if so, whether they have ordered the practice to be put an end to?

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A.—The Government have called for a report from the District Magistrate.

* Mr. A. Ranganatha Mudaliyar :—" May I know what are the rules which guide the Government in declaring certain classes as criminal tribes ?"

The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur :—" Notice, Sir. "

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III

ELECTION OF A MEMBER TO THE SENATE OF THE ANDHRA UNIVERSITY.

* The hon. the President :—" I have to announce that Mr. B. Ramachandra Reddi has been declared duly elected to the Senate of the Andhra University by the non-official members of the Madras Legislative Council resident within the University area." 11-15 a.m.

IV

BILLS.

(1) THE MALABAR TENANCY BILL.

The Council then took up the consideration of the part of the Malabar Tenancy Bill returned by His Excellency the Governor.

* The hon. the President :—" The question is that in clause 13, sub-clause (1), the proviso be omitted."

* Mr. E. Sankaran Unni :—" Mr President, I rise to a point of order. This Bill had been returned once before to this Council under section 81-A of the Government of India Act. Certain amendments were also sent with a message. The House considered those amendments and to one of the amendments was added a proviso. The Bill was afterwards passed by the House as amended and sent back. On page 235 of the Council Proceedings it will be found ' the question is that the Bill as amended be passed into law ', and this motion was adopted and the Bill was passed into law. My position is this: that the Bill having once been returned to this Council under the provisions of section 81-A of the Government of India Act, the Governor has exhausted his powers of returning and consequently the House also has exhausted its powers of reconsideration by necessary implication. I hope the House will pardon me for reading section 81-A of the Government of India Act, which runs thus :—

' Where a Bill has been passed by a local Legislative Council, the Governor, Lieutenant-Governor or Chief Commissioner may instead of declaring that he assents to or withholds his assent from the Bill return the Bill to the Council for reconsideration either in whole or in part together with any amendment which he may recommend . . .'
and so on and so forth.

" The question of reservation does not arise. The only question is, on the wording of the section is the Governor entitled to return the Bill a second time and are we entitled to consider it a second time ? My chief objection is that it will lead to a see-saw arrangement between the Governor and this Council if every time it is returned the Council were to reconsider and pass amendments of its own, the Bill will have to come back again and again. If the interpretation that is sought to be placed on the section is accepted, it will result in the Governor being enabled to return the Bill endlessly and ceaselessly. It is one of the cardinal principles of interpretation of